

IN THE MATTER OF

ANTHONY ANDERSON, P.T.A.

RESPONDENT

License Number: A 01168

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BEFORE THE STATE BOARD

OF PHYSICAL THERAPY

EXAMINERS

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CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (the "Board") on April 18, 2001, charged **Anthony Anderson, P.T.A., (the "Respondent")**, D.O.B.: **02/04/50**, **License Number: A01168**, with violating certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Health Occ. Code Ann., ("H.O.") §§ 13-101 et seq. (2000).

Specifically, the Board charged the Respondent with violating the following:

H.O. § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation, or suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

- (6) In the case of an individual who is authorized to practice limited physical therapy:
 - (i) Practices limited physical therapy other than as authorized by this title;
- (12) Practices physical therapy or limited physical therapy with an unauthorized person or supervises or aids an unauthorized person in the practice of physical therapy or limited physical therapy;
- (13) Willfully makes or files a false report or record in the practice of physical therapy or limited physical therapy;
- (15) Submits a false statement to collect a fee;

- (16) Violates any provision of this title or rule or regulation adopted by the Board;
- (20) Commits an act of unprofessional conduct in the practice of physical therapy.

The Board also charged the Respondent with violating **Code Md. Regs. tit. 10, § 38.03 (1999) Standards of Practice:**

.02 Standards.

- B. The physical therapy assistant shall exercise sound judgment and adequate care in the performance of duties.
- L. At least one in every ten visits or every 60 calendar days, whichever comes first, there shall be a joint on-site visit with treatment rendered by the physical therapist assistant under the direct supervision of the physical therapist. At this visit the physical therapist is to assess the treatment performed by the physical therapist assistant, reevaluate the patient's program, and document the treatment program.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document dated April 18, 2001. A Case Resolution Conference on those charges was held on May 24, 2001. The Case Resolution Conference was attended by: Natalie McIntire, P.T., Board Member; Caroline B. Stellmann, Consumer Board Member; Ann Tyminski, Executive Director to the Board; Paul J. Ballard, Assistant Attorney General and Counsel to the Board; Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor; Steven A. Allen, Esquire, Attorney for the Respondent; and Anthony Anderson, P.T.A., the Respondent. The parties agreed to enter into this Consent Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice limited physical therapy in the State of Maryland. The Respondent was originally licensed on or about August 9, 1983.

2. At all times relevant to the charges herein, the Respondent worked for Maryland Health Care Clinics.¹ The Respondent worked primarily at the Westside Rehabilitation Center approximately three (3) days per week. The Westside Rehabilitation Center is located at 2459 Frederick Avenue, Baltimore, Maryland. The Respondent also worked at the East 32nd Street Rehabilitation Center located at 3121 St. Paul Street, Suite 20, Baltimore, Maryland and the Monument Medical Center located at 1235 East Monument Street, Baltimore, Maryland.

3. In or around November 1998, the Board began an investigation after receiving a complaint from a physical therapist employed at Maryland Health Care Clinics. The Complainant alleged that the Respondent made false entries in patient records. On January 19, 1999, the Board received the treatment records of several patients who had been treated by the Respondent between October 1998 and February 1999.²

4. The treatment records revealed recorded treatment entries with dates

¹ Maryland Healthcare Clinics is a group of facilities that provide physical therapy at various locations in Baltimore, Maryland and surrounding areas. The facilities include Westside Rehabilitation Center, East 32nd Street Rehabilitation Center, Monument Medical Center, and the Reisterstown Medical Center.

² On January 26 and 28, 1999, the Board also received records that duplicated the patient records that the Board received on January 19, 1999.

prior to the patients' appointments. The treatment records further revealed that the Respondent failed to conduct joint on-site visits with the physical therapist.

5. The Respondent also allowed a physical therapy aide to monitor patients while the patients performed their physical therapy exercises.

6. The following, as set forth below, pertains to Patients A thru F.

PATIENT A

7. Patient A³, a 33-year-old female, was referred to the Westside Rehabilitation Center (the "Westside Center") for evaluation and treatment of injuries sustained in an automobile accident. Patient A was diagnosed with musculoligamentous strain of the cervical spine and traumatic injury to the shoulders, arms, and anterior chest wall. Patient A was initially evaluated by the physical therapist on October 5, 1998.

8. Following her initial evaluation, Patient A was treated at the Westside Center on eighteen (18) separate occasions from October to December 1998. Patient A's treatment included electrical stimulation, ultrasound, and hot/cold packs. Patient A was re-evaluated by the physical therapist on November 2 and 24, 1998.

9. During her interview with the Board Investigator, Patient A alleged that she received ultrasound treatments on one (1) or two (2) occasions. Patient A claims to have told the Respondent that she did not wish to continue her ultrasound treatment because it made her feel uncomfortable. Patient A asserts that she subsequently declined further ultrasound treatment.

³ To ensure confidentiality, Patient names are not set forth in this document. The Administrative Prosecutor has

10. Even though Patient A claims to have received no more than two (2) ultrasound treatments, the Respondent documented in Patient A's progress notes that he administered ultrasound to Patient A on nine (9) additional occasions.

11. Additionally, Patient A's progress notes and Maryland Health Care Clinic health insurance claim forms included charges for ultrasound treatment that Patient A did not receive. Maryland Health Care Clinic billed State Farm Insurance Company for ultrasound on October 7, 10, 12, 14, 16, and 20, 1998. Patient A's physical therapy progress notes and health claim forms for October 7, 10, 12, 14, 16, and 20, 1998 were submitted to State Farm Insurance Company as supporting documentation for reimbursement. State Farm Insurance Company reimbursed Maryland Health Care Clinic for ultrasound treatment on October 7, 10, 12, 14, 16, and 20, 1998, even though Patient A claims to have only received ultrasound on two (2) occasions.

12. At no point during Patient A's treatment did the Respondent and the physical therapist conduct a joint on-site visit as required by Code Md. Regs. tit. 10, § 38.03.02L

PATIENT B

13. Patient B, a 58-year-old male, was referred to the East 32nd Street Rehab for evaluation and treatment. Patient B was diagnosed with musculoligamentous strain of the cervical, thoracic, and lumbar spine. Patient B was initially evaluated by the physical therapist on December 21, 1998.

14. Following his initial evaluation, Patient B was treated at the East

released the names of the patients to the Respondent.

32nd Street Rehab on three separate occasions from December 1998 to January 1999.

Patient A's treatment included ultrasound and hot/cold packs.

15. Patient B received his physical therapy treatments from the Respondent.

16. Patient B received his last physical therapy treatment at the East 32nd Street Rehab on January 7, 1999.

17. Although Patient B's last treatment date was January 7, 1999, the Respondent prepared progress notes for the dates of January 9, 14, 16, and 21, 1999.⁴ For the dates of January 9, 14, 16, and 21, 1999, the Respondent listed the SOAP⁵ notes and the modalities. The Respondent's initials "AA" and his title "PTA" were also written beside the January 9, 14, 16, and 21, 1999 entries.

PATIENT C

18. Patient C, a 48 year old male, was referred to East 32nd Street Rehab for evaluation and treatment. Patient C was diagnosed with musculoligamentous strain of the cervical and lumbar strain. Patient C was initially evaluated by the physical therapist on January 6, 1999.

19. Following his initial evaluation, Patient C was treated at East 32nd Street Rehab on eleven separate occasions from January 1999 to February 1999. Patient C's treatment included ultrasound and hot/cold packs. Patient C was re-evaluated by the physical therapist on February 1, 1999.

20. Patient C received the majority of his physical therapy treatment from the

⁴ Even though the Respondent wrote the actual progress note, the corresponding date that is listed beside each progress note was not in the Respondent's handwriting.

⁵ SOAP is an acronym for Subjective, Objective, Assessment, and Plan.

Respondent.

21. Patient C received his last physical therapy treatment at East 32nd Street Rehab on February 11, 1999.

22. At no point during Patient C's treatment at East 32nd Street Rehab did the physical therapist and the Respondent conduct a joint on-site visit as required by Code Md. Regs. tit. 10, § 38.03.02L.

23. When the Board received Patient C's progress notes on January 19, 1999, Patient C's progress notes showed that the Respondent had written his treatment assessments, findings, and the modalities for the dates of January 21, 23, and 28, 1999.⁶ The Respondent had also placed his initials "AA" and his title "PTA," in Patient C's progress notes for January 21, 23, and 28, 1999.

PATIENT D

24. Patient D, a 36-year-old female, was referred to the Monument Medical Center for evaluation and treatment of injuries sustained in an automobile accident. Patient D was diagnosed with cervical and lumbar strain. Patient D was initially evaluated by a physical therapist on November 5, 1998.

25. Following her initial evaluation, Patient D was treated at the East 32nd Street Rehabilitation Center on twenty-four (24) separate occasions from November 1998 to January 1999.⁷ Patient D's treatment included electrical stimulation, ultrasound, hot/cold packs, massage, and exercises. Patient D was re-evaluated on

⁶ Even though the Respondent wrote the actual progress note, the corresponding date that is listed beside each progress note was not in the Respondent's handwriting.

⁷ Although Patient D was originally referred to the Monument Center, she decided to seek treatment at the East 32nd Street Center.

December 8, 1998 and January 15, 1999.

26. Patient D received her physical therapy treatments from the Respondent.

27. Patient D received her last physical therapy treatment on January 28, 1999.

28. At no point during Patient D's treatment did the physical therapist and the Respondent conduct a joint on-site visit as required by Code Md. Regs. tit. 10, § 38.03.02L.

29. When the Board received Patient D's progress notes on January 26, 1999, Patient D's progress notes showed that the Respondent had written his treatment assessments, findings, and the modalities next to the handwritten date of January 28, 1999.⁸ The Respondent also placed his initials "AA" and his title "PTA" in Patient D's progress notes for January 28, 1999

PATIENT E

30. Patient E, a 14-year-old male, was referred to the Monument Center for evaluation and treatment of injuries sustained in an automobile accident. Patient E was diagnosed with right shoulder strain with hypomobility. Patient E was initially evaluated by a physical therapist on or about November 4, 1998.

31. Following his initial evaluation, Patient E was treated at the Monument Center and East 32nd Street Rehab on seventeen (17) separate occasions from November 1998 to January 1999. Patient E's treatment included electrical stimulation, massage, hot/cold packs, and exercises. Patient E was re-evaluated by the physical

⁸ Even though the Respondent wrote the actual progress note, the corresponding date that is listed beside each

therapist on December 8, 1998.

32. Patient E received his physical therapy treatment from the Respondent.

33. Patient E received his last physical therapy treatment on January 7, 1999.

34. At no point during Patient E's treatment at the Monument Center or the East 32nd Street Rehab did the physical therapist and the Respondent conduct a joint on-site visit as required by Code Md. Regs. tit. 10, § 38.03.02L.

PATIENT E

35. Patient F, a 33-year-old male, was referred to the Monument Medical Center for evaluation and treatment of injuries sustained in an automobile accident. Patient F was diagnosed with cervical, lumbar, and right shoulder trauma. Patient F was initially evaluated by a physical therapist on or about November 4, 1998.

36. Following his initial evaluation, Patient F was treated at the Monument Center and the East 32nd Street Rehab on twenty-three (23) separate occasions from November 1998 to January 1999. Patient F's treatment included electrical stimulation, ultrasound, hot/cold packs, massage, and exercises. Patient F was re-evaluated by the physical therapist on December 8, 1998 and January 15, 1999.

37. Patient F received most of his physical therapy treatment from the Respondent.

38. Patient F received his last physical therapy treatment on January 28, 1999.

39. At no point during Patient F's treatment did the physical therapist and

progress note was not in the Respondent's handwriting.

Respondent conduct a joint on-site visit as required by Code Md. Regs. tit. 10, § 38.03.02L.

40. The Respondent's conduct as described above violates the Act and the regulations thereunder.

CONCLUSION OF LAW

The Board finds that the Respondent violated H.O. §§ 13-316(6), (12), (13), (15), (16), (20), and Code Md. Regs. tit. 10, § 38.03(B) and (L).

ORDER

ORDERED that the Respondent's license to practice limited physical therapy is hereby **SUSPENDED** for a period of **one (1) year with all but two (2) months STAYED**, with the actual suspension commencing on July 1, 2001; and be it further

ORDERED that following said suspension, the Respondent shall be placed on **PROBATION** for a period of **two (2) years**, subject to the following conditions:

1. The Respondent shall take and pass the Maryland Physical Therapy law course and examination no later than December 31, 2001. *done Nov. 2001*

2. Within six (6) months of the effective date of this Consent Order, the Respondent shall take and pass a Board approved documentation course and shall submit a written certification of enrollment, attendance, and completion of said course to the Board within thirty (30) days of the completion of the course; and be it further *done*

ORDERED that if the Respondent fails to comply with any of the terms or conditions of probation set forth above, then his failure shall be deemed a violation of

this Consent Order; and be it further

ORDERED that the Respondent shall practice limited physical therapy in accordance with the Maryland Physical Therapy Act, and in a competent manner; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Title 13 of the Health Occupations Article, Maryland Annotated Code or the regulations thereunder, the Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to practice physical therapy; and be it further

ORDERED that only after the Respondent has completed his two (2) year probationary period, then the Respondent may petition the Board for termination of the probationary status and reinstatement of his license without any conditions or

restrictions, provided that he has fulfilled all the terms and conditions of probation set forth herein, is not in violation of this Consent Order, and there are no outstanding complaints against the Respondent. If the Board determines that the terms of probation have not been successfully completed, then the Board may modify one or more conditions upon which the Respondent was placed on probation, upon notice to the Respondent. However, if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

June 12, 2001
Date

Mindy Sacks, PTA
Mindy Sacks, PTA
Maryland State Board of Physical
Therapy Examiners

CONSENT OF ANTHONY ANDERSON, PTA

I, Anthony Anderson, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Steven A. Allen. I have been advised by and have consulted with my attorney in regard to signing this Consent Order.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 13-317 of the Act, Md. State Gov't. Code Ann. §§ 10-201 et seq. (1999), and Md. Reg. Code tit. 10, § 10.38.05.
3. While I do not admit the factual findings made by the Board, I accept and submit to the foregoing Consent Order. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.
4. I waive any right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Order or as set forth in § 13-318 of the Act and Md. State Gov't Code Ann. §§ 10-201 et seq. (1999).
5. I acknowledge that by failure to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action which may include revocation of my license to practice limited physical therapy in the State of Maryland.
6. I sign this Consent Order without reservation as my voluntary act and

deed, after consulting with my attorney. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

6/4/01
Date



Anthony Anderson, PTA
Respondent

Read and Approved:

6/4/01
Date



Steven A. Allen, Esquire
Attorney for Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 4TH day of June, 2001, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Anthony Anderson, PTA, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Linda L. Zorn
Notary Public

My Commission Expires: _____ Linda L. Zorn, Notary Public
Baltimore County
State of Maryland
My Commission Expires Jan. 1, 2004